

**REGULAR MEETING
PLANNING COMMISSION
AGENDA**

City of Rialto
Council Chambers
150 South Palm Avenue
Rialto, California 92376

Wednesday
April 30, 2014
6:00 p.m.

Members of the public are given an opportunity to speak on any listed agenda items. Please notify the Planning Division if you wish to do so. All agendas are posted in the City Hall Administration Building (150 South Palm Avenue, Rialto, California 92376) at least 72 hours in advance of the meeting. Copies of the staff reports relating to each item on the agenda are on file in the Planning Division, 150 South Palm Avenue, Rialto, California 92376 and are available for public inspection. Any person having a question concerning any agenda item may call the Planning Division (909) 820-2535 to inquire about any item described on the agenda.

NOTICE TO PUBLIC: *To speak on Public Hearing Items, fill out a form located at the front counter in the lobby and give it to Development Services Staff. Each person will be allowed three (3) minutes to address the Planning Commission.*

Based upon the open meeting laws (the Brown Act), additional items may be added to the agenda and acted upon by the Planning Commission only if it is considered to be a "subsequent need" or "emergency item" and is added by a two-thirds vote. Matters raised under Oral Communications may not be acted upon at that meeting other than as provided above.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Director of Public Works at (909) 421-7279. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

If you challenge in court any action taken concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at, or prior to, the Public Hearing. A decision by the Planning Commission may be appealed to the City Council. An appeal must be filed with the City Clerk upon forms provided by the City within fifteen (15) calendar days after the hearing.

NEXT RESOLUTION NO. 14-11

1. **CALL TO ORDER** TIME: _____
2. **PLEDGE OF ALLEGIANCE** _____
3. **ROLL CALL**

Jerry Gutierrez, Chair	_____
John Peukert, Vice Chair	_____
Pauline Tidler	_____
Dale Estvander	_____
Artist Gilbert	_____
Al Twine	_____
Frank Gonzalez	_____
Pam Lee, Asst. City Attorney	_____
Gina Gibson, Planning Manager	_____
Daniel Casey, Asst. Planner	_____
Daniel Rosas, Asst. Planner	_____
Liz Maine, Commission Secretary	_____

4. **ORAL COMMUNICATION FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA**

5. **PLANNING COMMISSION MEETING MINUTES**

APPROVAL OF MINUTES REGULAR MEETING OF MARCH 26, 2014

CONSIDERATION OF MINUTES

Motion _____

Second _____

Vote _____

APPROVAL OF MINUTES REGULAR MEETING OF APRIL 9, 2014

CONSIDERATION OF MINUTES

Motion _____

Second _____

Vote _____

6. **PUBLIC HEARING**

CONDITIONAL DEVELOPMENT PERMIT NO. 744

APPLICANT: LAS NUEVAS ISLAS

LOCATION: 1438 WEST FOOTHILL BLVD. SUITE B

APN 0128-011-42

A REQUEST TO ALLOW AN EXPANSION OF AN EXISTING RESTAURANT WITH LIVE MUSIC INTO AN ADJACENT COMMERCIAL UNIT LOCATED IN AN EXISTING SHOPPING CENTER WITHIN THE C-P (COMMERCIAL PEDESTRIAN) ZONE OF THE FOOTHILL BOULEVARD SPECIFIC PLAN.

CLOSE PUBLIC HEARING

Motion _____

Second _____

Vote _____

CONSIDERATION OF CONDITIONAL DEVELOPMENT PERMIT NO 744

Motion _____

Second _____

Vote _____

PROJECT PLANNER: Daniel Casey, Assistant Planner

7. **PLANNING DIVISION COMMENTS**

8. **PLANNING COMMISSION COMMENTS**

9. **ADJOURNMENT**

Motion _____

Second _____

Vote _____

**REGULAR MEETING
of the
PLANNING COMMISSION
MINUTES
April 9, 2014**

The Regular meeting of the Planning Commission of the City of Rialto was held in the City of Rialto City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Wednesday, April 9, 2014.

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This meeting was called by the presiding officer of the City of Rialto Planning Commission in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Chairman Gutierrez called the meeting to order at 6:02 p.m.

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**PLEDGE OF
ALLEGIANCE**

Commissioner Estvander led the pledge of allegiance.

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ROLL CALL

Planning Manager Gina Gibson called the roll and the following Commissioners were present: Chairman Gutierrez, Vice-Chair Peukert, Commissioners Estvander, Gilbert, and Gonzalez. Commissioners Twine and Tidler were excused.

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**ORAL
COMMUNICATIONS**

Chairman Gutierrez stated that the next item on the agenda was Oral Communication and asked if there was anyone to address the Commission. Chairman Gutierrez addressed the audience and asked that anyone who wished to address the Commission regarding any item complete an Oral Communication form. There was no response from the audience.

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**PLANNING
COMMISSION
MEETING MINUTES**

Chairman Gutierrez stated that the next item on the agenda was approval of the minutes for the meeting of March 12, 2014. Chair Gutierrez stated that if there were no comments relating to the minutes, he would entertain a motion.

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Motion by Commissioner Estvander, seconded by Commissioner Gonzalez to approve the minutes to the meeting of March 12, 2014 as submitted. Motion carried 5-0.

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**PUBLIC HEARING
Conditional
Development Permit
No. 733- 736 EAR#
13-37**

Chair Gutierrez stated that the next item on the agenda was a public hearing for Conditional Development Permit Nos. Conditional Development Permit Nos. 733, 734, 735 & 736 and E.A.R. # 13-37. Planning Manager Gibson stated that the presentation would be made by Assistant Planner Daniel Casey.

Mr. Casey referred the powerpoint presentation and stated that 210 Petroleum Partners has requested that the Planning Commission review and approve Conditional Development Permit Nos. 733 - 736 to allow the development of a Chevron gas station to include a car wash, convenience market, and sales of beer and wine.

PUBLIC HEARING
(Cont'd)

Mr. Casey stated that the project site is within the Shoppes at Creekside shopping center located at the northeast corner of Riverside Avenue and Galway Street. The shopping center is comprised of seven parcels with a combined area of approximately 8.7 acres. The shopping center is currently developed with several structures totaling 49,387 square feet. Walgreens and Fitness 19 are the main anchor tenants within the shopping center.

The shopping center is bound on the west by Riverside Avenue, on east by Highland Avenue, and on the south by the 210 Freeway. To the north of the shopping center are single-family residences. To the east, across Highland Avenue, is approximately 3.77 acres of vacant land. To the west, across Riverside Avenue, is the Rancho Verde Plaza shopping center comprised of several structures totaling approximately 115,000 square feet in size, to the east, across Highland Avenue, is approximately 3.77 acres of vacant land, and to the south, across the 210 Freeway, is a 3,800 square foot In-N-Out Burger. The zoning of the project site and the properties to the south and west is Neighborhood Commercial (C-1). The zoning of the properties to the north and east is Single-Family Residential (R-1A).

Mr. Casey stated that 210 Petroleum Partners proposes to construct a Chevron gas station on a 1.01 acre vacant parcel located at the northwest corner of the shopping center. The gas station will be comprised of a 3,354 square foot overhead canopy with six fuel dispensers, a 3,235 square foot convenience market, and a 1,050 square foot car wash. The proposed canopy will be of steel-frame construction. The canopy will feature a decorative cornice and twenty-four inch wide columns with stone accents and a stucco finish.

Mr. Casey explained the convenience market and the car wash will be of wood-frame construction with a stucco finish. Variations in building height have been provided on all elevations of both buildings. Each building will also contain stone tower elements identical to those on the existing buildings within the shopping center. Generous amounts of matching stone accents have been incorporated on all elevations of each building, as well as wall plane projections, stucco scoring, and wood trellises.

Mr. Casey addressed the landscaping and stated that a forty-eight foot landscaped setback will be provided along Riverside Avenue. An existing fifteen foot landscaped buffer between the shopping center and the single-family residences to the north will be preserved. Landscaping has been abundantly incorporated into the site. The landscape coverage for the proposed development is 30.4 percent, which greatly exceeds the 10 percent required by Section 18.61.190F of the Rialto Municipal Code.

Mr. Casey stated in addition to the existing fifteen foot landscape buffer, a ten foot high sound wall will be constructed adjacent to the entrance and exit of the car wash as recommended by the Noise Study prepared for the shopping center by LSA Associates, Inc. in December of 2005.

Mr. Casey stated that the development will have 14 parking stalls. This quantity exceeds the minimum parking requirement as shown in the parking calculation chart on page three of the staff report and as required by Section 18.106.060I(1) of the Rialto Municipal Code.

Mr. Casey addressed the operation of the site and stated that the gas station, convenience market, and car wash will be in operation twenty-four hours a day, seven days a week. Six fuel dispenser systems containing a total of twelve individual pumps will be used by customers for fuel dispensing. One 20,000 gallon underground tank will hold Unleaded 87 gasoline for dispensing, and two 11,000 gallon underground tanks will separately contain Unleaded 91 gasoline and Diesel for dispensing. Deliveries of fuel will be restricted from occurring between the hours of 8:00 p.m. and 7:00 a.m., as required by the City's Noise Ordinance. Six vacuum stations will be provided to the south of the car wash building. The convenience market will offer typical convenience-type merchandise such as, snacks, drinks, cigarettes, lottery, etc. In addition to the sale of typical convenience goods, the applicant also intends to sell alcoholic beverages within the convenience market. Specifically, the applicant is seeking to obtain a Type 20 license from the State's Alcoholic Beverage Control (ABC) Department for the sale of beer and wine. In addition to a Conditional Development Permit, the ABC Department may require a Public Convenience

PUBLIC HEARING
(Cont'd)

and Necessity letter prior to issuance of the Type 20 license. A PCN letter is typically required if an area is designated to be over-concentrated with establishments selling alcohol based on the criteria of the ABC Department. Planning Division staff will prepare a PCN letter for the project, should it be required by the ABC Department.

Mr. Casey stated that Section 18.110.050 of the Rialto Municipal Code provides separation criteria between establishments that engage in the off-sale of alcohol, and sensitive uses, such as churches, schools, etc. Measurements are obtained by measuring the shortest route intended and available for public traverse from any point upon the outside wall of the convenience market to the nearest property line of the location in question. The proposed location of the convenience market, in which beer and wine will be available for sale, exceeds the minimum separation criteria as shown in the staff report and as required by Section 18.110.050 of the Rialto Municipal Code.

Additional regulations regarding the display and advertising of alcoholic beverages, restrictions on the age of employees who sell alcoholic beverages, and public education pursuant to Section 18.110 of the Rialto Municipal Code are included as conditions in the Resolution of Approval.

Mr. Casey addressed traffic issues and stated that a traffic study was prepared for the project by Kimley-Horn & Associates, dated January 2014, to assess potential impacts to local streets and intersections. The Transportation Commission reviewed and approved the traffic study on February 5, 2014. A total of 3,240 daily trips are anticipated, with 173 AM peak hour trips and 288 PM peak hour trips. Seven key nearby intersections were analyzed in the study. The study determined that one project intersection, Riverside Avenue / Easton Street, is currently operating at an unacceptable level of service under existing conditions. However, the project is anticipated to only add fourteen vehicle trips in the AM peak hour and twenty-two vehicle trips in the PM peak hour to the intersection. This increase in the amount of traffic to the deficient intersection will not result in any substantial increase in delays and is considered less than significant. All other intersections will continue to operate at an acceptable level of service, as a result of the project. Traffic impacts to the street system related to this project are considered less than significant.

Westbound queuing within the shopping center, at the intersection of Riverside Avenue and Galway Street could potentially be impacted as a result of the project. However, the applicant proposes to modify the lane striping at the shopping center exit to allow for additional queuing of vehicles. Two 150-foot long westbound lanes will be striped at the shopping center exit to alleviate traffic congestion within the shopping center.

Per Section 18.28.020C(1) of the Rialto Municipal Code, the development of a gas station is subject to the approval of a Conditional Development Permit, which must also be approved by the City Council. Per Section 18.106.040A of the Rialto Municipal Code, the development of a convenience market is subject to the approval of a Conditional Development Permit. Per Section 18.66.030Z of the Rialto Municipal Code, the development of a car wash is subject to the approval of a Conditional Development Permit. Per Section 18.110.040 of the Rialto Municipal Code, the off-sale of beer and wine is subject to the approval of a Conditional Development Permit.

Mr. Casey stated that the project is consistent with the Neighborhood Commercial (C-1) zone, the existing uses within the shopping center, and the surrounding land uses. The most sensitive uses near the project site are the single-family residences to the north of the project site. These land uses are not expected to be negatively impacted by the proposed project, since measures, such as landscape buffering and the installation of sound walls, will be implemented. The project is anticipated to be a benefit to the community and an improvement to the shopping center. Aesthetically, the site will be enhanced with new landscaping and buildings that comply with the City's Design Guidelines.

Captain Randy De Anda and Lieutenant Kathy Thompson with the Rialto Police Department have reviewed the project and have endorsed crime prevention measures that have been incorporated into the Resolution of Approval. Security lighting will be required at a minimum of 1.5 foot-candles around the

PUBLIC HEARING
(Cont'd)

entire building. Burglary and robbery alarms, as well as security cameras, are required to be installed and the systems shall be approved by the Rialto Police Department prior to the issuance of the Certificate of Occupancy. Measures to discourage loitering are also incorporated into the Resolution of Approval. Signs displaying "No Loitering" will be required to be posted on the building, and arcades and video games will be strictly prohibited.

The Development Review Committee reviewed the project on March 11, 2014. The DRC recommended approval of the project subject to revisions regarding site and architectural design. The Committee's revisions included the incorporation of wall plane projections/recesses, decorative cornices, additional architectural features, such as stone and trellises, and intensified landscaping. The Committee's revisions have been incorporated into the attached plans. After Planning Commission review, the project will return to the Development Review Committee for finalization of all development related conditions.

Mr. Casey stated that an Initial Study was prepared for the proposed project and although the Initial Study indicates that proposed project could have a significant effect on Aesthetics, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Noise, any potential impacts will be mitigated to a level of insignificance. Mr. Casey stated that the project will not have an adverse impact on the environment and a Mitigated Negative Declaration has been prepared.

Mr. Casey addressed the Commission and stated that it is recommended that the Planning Commission adopt the Mitigated Negative Declaration, forward a recommendation of approval of Conditional Development Permit No. 733 to the City Council for final consideration and approve Conditional Development Permit Nos. 734 through 736 subject to the findings and conditions in the resolutions.

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Chairman Gutierrez asked if there were any questions for staff. The Commission questioned the number of jobs the development would create for the community. The Commission discussed in detail the ingress/egress to the shopping center site and addressed the lengths, locations and heights of proposed medians, roadway striping and roadway width. The Commission addressed traffic impacts and discussed the level of service at the affected intersections and roadways. Circulation within the shopping center was discussed and well as parking in the shopping center.

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Chairman Gutierrez asked if there were additional questions for staff. Hearing none, he stated this was now the time and place for the public hearing for Public Hearing and asked if there was anyone to address the item. Planning Manager Gibson indicated the representative for the project had requested to speak.

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Michael Harm, the proposed operator of the Chevron site addressed the Commission. He responded to questions regarding employment numbers, the types of positions available as well as other opportunities.

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Motion by Chairman Gutierrez, seconded by Commissioner Peukert that the public hearing be closed. Motion carried 5-0.

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Chairman Gutierrez asked if there would be discussion. Hearing none, he stated he would entertain a motion.

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Motion by Commissioner Estvander, seconded by Commissioner Gonzalez to adopt the Mitigated Negative Declaration for the proposed project and authorize staff to file a Notice of Determination with the Clerk of the Board of San Bernardino County. Motion Carried 5-0.

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Motion by Commissioner Artist, seconded by Commissioner Peukert to forward a recommendation of approval of Conditional Development Permit No. 733 to establish a gas station to the City Council for final consideration. Motion carried 5-0.

PUBLIC HEARING
(Cont'd)

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Motion by Commissioner Estvander, seconded by Commissioner Gilbert to adopt a resolution to approve Conditional Development Permit No. 734 to allow the development of a 3,235 square foot convenience market subject to the findings and conditions therein. Motion carried 5-0.

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Motion by Commissioner Estvander, seconded by Commissioner Gonzalez to adopt a resolution to approve Conditional Development Permit No. 735 to allow the development of a 1,050 square foot car wash subject to the findings and conditions therein. Motion carried 5-0.

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Motion by Commissioner Gonzalez, seconded by Commissioner Estvander to adopt a resolution to approve Conditional Development Permit No. 736 to allow the off-sale of beer and wine in conjunction with a convenience market subject to the findings and conditions therein. Motion carried 5-0.

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ECONOMIC
DEVELOPMENT
UPDATE

Chairman Gutierrez stated the next item on the agenda was an Economic Development Update. Ms. Gibson stated the presentation would be made by Greg Lantz, Economic Development Manager. Mr. Lantz addressed the Commission and presented a powerpoint presentation prepared for the Rialto Institute of Progress. Mr. Lantz gave a detailed explanation of each item and responded to questions and comments from the Commissioners. Mr. Lantz provided information from NAIOP and information relating to potential sales tax revenues occurring at build-out of the City.

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PLANNING DIVISION
COMMENTS

Chairman Gutierrez stated that the next item on the agenda is Planning Division Comments and asked if there were any items for discussion. Planning Manager Gibson stated the next meeting would be held on April 30, 2014. Ms. Gibson addressed upcoming agenda items. Ms. Gibson provided information to the Commission including a copy of a power point presentation prepared for the Rialto Institute of Progress.

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PLANNING
COMMISSION
COMMENTS

Chairman Gutierrez stated that the next item on the agenda is Planning Commission Comments and asked if there were any items for discussion. The Commission discussed future development and financial aspects of the City, including water rates and the utility tax. The Commission addressed recent developments in the city.

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ADJOURNMENT

Motion by Commissioner Twine, seconded by Chairman Gutierrez, that the meeting be adjourned. Meeting adjourned at 6:57 p.m.

Jerry Gutierrez, Chairman
City of Rialto Planning Commission

**REGULAR MEETING
of the
PLANNING COMMISSION
MINUTES
March 26, 2014**

The Regular meeting of the Planning Commission of the City of Rialto was held in the City of Rialto City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Wednesday, March 26, 2014.

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This meeting was called by the presiding officer of the City of Rialto Planning Commission in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Chairman Gutierrez called the meeting to order at 6:00 p.m.

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**PLEDGE OF
ALLEGIANCE**

Commissioner Estvander led the pledge of allegiance.

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ROLL CALL

Planning Manager Gina Gibson called the roll and the following Commissioners were present: Chairman Gutierrez, Vice-Chair Peukert, Commissioners Estvander, Gilbert, Twine, Tidler and Gonzalez.

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**ORAL
COMMUNICATIONS**

Chairman Gutierrez stated that the next item on the agenda was Oral Communication and asked if there was anyone to address the Commission. Chairman Gutierrez addressed the audience and asked that anyone who wished to address the Commission regarding any item complete an Oral Communication form. There was no response from the audience.

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**PLANNING
COMMISSION
MEETING MINUTES**

Chairman Gutierrez stated that the minutes to the meeting of March 12, 2014 would be submitted for consideration at the next Planning Commission meeting.

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**PUBLIC HEARING
Conditional
Development
Permit No. 714**

**(Continued from
March 12, 2014)**

Chair Gutierrez stated that the next item on the agenda was a public hearing for Conditional Development Permit No. 714. Planning Manager Gina Gibson stated the presentation would be made by Assistant Planner Daniel Rosas.

Mr. Rosas stated that the Planning Commission at its March 12th meeting directed staff to prepare a resolution modifying Conditional Development Permit No. 714. On March 12, 2014, the Planning Commission considered the revocation of Conditional Development Permit No. 714 for violating conditions of approval and safety concerns.

PUBLIC HEARING
(Cont'd)
Conditional
Development
Permit No. 714

At the March 12th Planning Commission meeting, the owner presented a security plan approved by the Police Department to address safety concerns and bring the approved use into full compliance. After a public hearing and discussion of the security plan, the Planning Commission decided to modify the resolution for Conditional Development Permit as follows:

Entertainment shall not be conducted after 9:00 PM (Condition No.6).

The provisions of the approved security plan shall be met and continuously enforced at all times (Condition No.8).

Mr. Rosas stated that the Conditional Development Permit shall be reviewed on a quarterly basis beginning in June 2014 and continue indefinitely. Mr. Rosas stated it is the recommendation of staff that the Planning Commission Adopt a resolution to modify Conditional Development Permit No. 714 allowing live entertainment in conjunction with an existing restaurant located at 611 E. Foothill Boulevard, subject to the findings and conditions contained therein.

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Chairman Gutierrez asked if there would be discussion. The Commission discussed the proposed security plan and the proposed modifications to the conditions of approval in detail. The security plan was reviewed and approved by the Rialto Police Department, and the Commission requested clarification of the duties of the security personnel. The Commissioners discussed possible changes in wording and interpretation of the existing wording. The Commission addressed the security company and its employees as well as the restaurants employees. The Commission indicated it was comfortable with the existing security plan.

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Chairman Gutierrez stated that the public hearing for Conditional Development Permit No. 714 had been continued from the previous meeting and asked if there was anyone to address the item. Hearing none, he stated he would entertain a motion.

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Motion by Commissioner Estvander, second by Commissioner Peukert that the public hearing be closed. Motion carried 7-0.

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Motion by Commissioner Estvander, second by Commissioner Twine to approve the modification to the conditions of approval for Conditional Development No. 714 to reduce the hours of entertainment by one hour, to increase inspections to quarterly and incorporate the security plan. Motion carried 7-0.

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Chairman Gutierrez stated that the next item on the agenda is Planning Division Comments and asked if there were any items for discussion. Planning Manager Gibson stated that copies of the Renaissance Specific Plan were available as requested by the Commission and would be bound and delivered at the next meeting. Ms. Gibson addressed warehouse square footages was being researched and stated the Greg Lantz, Economic Development Manager would provide an update on the vacancy rate.

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Greg Lantz, Economic Development Manager addressed the Commission and provided

PLANNING
DIVISION
COMMENTS

information from Lee and Associates, a commercial broker, to the Commission. Mr. Lantz addressed possible new tenants for warehouses within the City. The Commission discussed retail uses vs. warehouse uses and the effect on the City. The Commission indicated it did not want to give away prime real estate. The Commission asked to be kept abreast of the employment rates and the leasing ratio. The siting criteria and marketing techniques of different types of businesses was discussed in detail.

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PLANNING
COMMISSION
COMMENTS

Chairman Gutierrez stated that the next item on the agenda is Planning Commission Comments and asked if there were any items for discussion. The Commission discussed various items of interest and staff indicated action would be taken.

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ADJOURNMENT

Motion by Commissioner Estvander, second by Commissioner Gilbert, that the meeting be adjourned. Meeting adjourned at 6:40 p.m.


Jerry Gutierrez, Chairman
City of Rialto Planning Commission


CITY OF RIALTO


PLANNING COMMISSION STAFF REPORT

For Meeting of April 30, 2014

TO: Honorable Chairman and Planning Commissioners

APPROVAL:  Robb Steel, Assistant to the CA/Development Services Director

REVIEWED BY: Gina M. Gibson, Planning Manager 

FROM: Daniel Casey, Assistant Planner 

SUBJECT: **Conditional Development Permit No. 744**: A request to allow an expansion of an existing restaurant with live music into an adjacent commercial unit located at 1438 W. Foothill Boulevard, Suite B, within the C-P (Commercial Pedestrian) zone of the Foothill Boulevard Specific Plan.

DATE: April 22, 2014

APPLICANT:

Las Nuevas Islas, Rafael Ortiz, 1438 W. Foothill Boulevard, Suite A, Rialto, CA 92376

LOCATION:

The subject site is located at 1438 W. Foothill Boulevard, Suite B within the Renaissance Center shopping center located at the northwest corner of Foothill Boulevard and Cedar Avenue (APN: 0128-011-42) (Refer to attached Location Map).

BACKGROUND:

Surrounding Land Use and Zoning

<i>Location</i>	<i>Existing Land Use</i>	<i>Zoning</i>
Site	Shopping Center	Commercial Pedestrian (C-P)
North	Single Family Residences	Single Family Residential (R-1C)
East	Shopping Center	Commercial Pedestrian (C-P)
South	Shopping Center / Gas Station	Commercial Pedestrian (C-P)
West	Vacant Land / One (1) Single Family Residence	Residential Mixed Use (R-MU)

General Plan Designations

<i>Location</i>	<i>General Plan Designation</i>
Site	Specific Plan (Foothill SP)
North	Residential 6
East	Specific Plan (Foothill SP)
South	Specific Plan (Foothill SP)
West	Specific Plan (Foothill SP)

Site Characteristics

The project site is within the Renaissance Center shopping center located at the northwest corner of Foothill Boulevard and Cedar Avenue. The shopping center is comprised of eight (8) parcels with a combined area of approximately 570,000 square feet or 13.1 acres. The overall dimensions of the shopping center are approximately 925 feet (east-west) by 615 feet (north-south). The shopping center is currently developed with several structures totaling 138,367 square feet. Food 4 Less is the main anchor tenant within the shopping center.

The shopping center is bound on the east by Cedar Avenue and on the south by Foothill Boulevard. To the north of the shopping center are single-family residences, and to the west is one (1) single-family residence and approximately 2.15 acres of vacant land. To the south, across Foothill Boulevard, is the Home Depot shopping center comprised of four (4) buildings totaling approximately 141,000 square feet in size, and a Chevron gas station. To the east, across Cedar Avenue, is the Tudor Plaza shopping center comprised of five (5) building totaling approximately 33,000 square feet in size. The zoning of the project site and the properties to the east and south is Commercial Pedestrian (C-P) within the Foothill Boulevard Specific Plan. The zoning of the properties to the west is Residential Mixed-Use (R-MU) within the Foothill Boulevard Specific Plan. The zoning of the properties to the north is Single-Family Residential (R-1C).

Notices

Public hearing notices for each proposed project were mailed to all property owners within 300 feet of each site, and the public hearing notices were published in the newspaper as required by State law.

ANALYSIS/DISCUSSION:

Project Proposal

The applicant, Mr. Rafael Ortiz, acquired the restaurant located at 1438 W. Foothill Boulevard, Suite A (Suite A) in January 2013 and established the business name Las Nuevas Islas. On June 12, 2013, the Planning Commission approved Resolution No. 13-12 for Conditional Development Permit No. 726, allowing live music within the restaurant. On December 11, 2013, the Planning Commission approved Resolution No. 13-33 allowing the live music to be played until 12:00 a.m. every day. Business has significantly increased for the restaurant since the implementation of the live music, and

Mr. Ortiz now proposes to expand the restaurant and live music into the adjacent unit, 1438 W. Foothill Boulevard, Suite B (Suite B).

Entitlement Requirements

Per Section 3 (Land Use Districts and Development Standards), Table 3.1 of the Foothill Boulevard Specific Plan, the establishment of entertainment uses are subject to the approval of a Conditional Development Permit. The expansion of Las Nuevas Islas into Suite B will inevitably expand the use of live music into Suite B as well, which therefore requires the approval of a Conditional Development Permit.

Operation / Entertainment

Las Nuevas Islas is a full-service sit-down restaurant specializing in Mexican seafood. The existing restaurant operates within Suite A, a 2,975 square foot inline tenant space. Las Nuevas Islas proposes to expand into Suite B, a 2,249 square foot inline tenant space. Together, the new expanded restaurant will be 5,224 square feet in size. The restaurant currently has five (5) employees and plans to hire an additional two (2) employees as a part of the business expansion. The hours of operation will remain the same from 10:00 a.m. to 10:00 p.m. Sundays through Thursday and 10:00 a.m. to 12:00 a.m. Friday and Saturday.

Live music is currently played by bands within the dining area of Suite A. The applicant's floor plan for the expansion indicates that an existing stage within Suite A will be relocated to the middle of the restaurant between Suite A and Suite B. This will enable the live music to be viewed throughout the entire expanded restaurant. The use of a dance floor and disc jockey (DJ) will remain prohibited.

Parking Calculations

The Renaissance Center shopping center, in which the site is located, is developed with 138,367 square feet of lease space and 619 parking stalls. The development of the recently entitled McDonald's and the Food 4 Less gas station will result in a net loss of ninety-eight (98) parking stalls within the shopping center. Upon completion of both of these developments, the shopping center will have 521 parking stalls. This quantity exceeds the minimum parking requirement for all uses within the shopping center as shown in the parking calculation chart below and as required under Table 3-4 of the Foothill Boulevard Specific Plan:

<i>Type of Use</i>	<i>Floor Area (square feet)</i>	<i>Parking Ratio</i>	<i>Number of spaces required</i>
Retail	122,337	3/1,000	368
Sit-Down Restaurant	8,453	1/125	68
Fast Food Restaurant	5,550	1/75	74
Drive-thru	N/A	-3	-6
Total Required/Total Provided			504/521
Total "Over-parked"			+17

Safety

A report containing the calls for service to the establishment for the past six (6) months was obtained from the Rialto Police Department (Attachment 4). The report indicates that there have been no calls for service to Las Islas Nuevas since the Planning Commission approved the extended hours of operation on December 11, 2013.

Lieutenant Karol with the Rialto Police Department reviewed the request and does not have any objection to the expansion of the restaurant. The Rialto Police Department determined that the crime prevention measures that were originally incorporated into Resolution No. 13-33 are adequate in deterring crime and preventing the establishment from becoming a nuisance. The original crime prevention measures consisted of the following:

- Entertainment uses shall only be conducted between the hours of 10:00 a.m. to 12:00 a.m. every day.
- Outdoor entertainment, music, and speakers shall be prohibited.
- A 24-hour security camera system shall be installed on the premises with camera locations inside and outside of the building and approved by the Rialto Police Department. All surveillance and security equipment shall be continuously maintained and in operation during business hours. An R-P card must be filed with the Rialto Police Department containing twenty-four (24) hour phone numbers of persons to be contacted.
- A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as measured at the ground level of the entire site, from the period of one-half hour before sunset until one-half hour after sunrise. Lighting fixtures shall be so situated and shielded as not to direct or reflect lighting glare on adjacent properties or public rights-of-way.
- Signs displaying “No Loitering” and “No Trespassing” shall be posted on the property, to the satisfaction of the Rialto Police Department, at all times.
- The service of alcohol shall be in strict compliance with the requirements of the Department of Alcoholic Beverage Control (ABC).
- The tinting or treating of the exterior windows, so as to obstruct visibility into the establishment, shall be prohibited.

Each of the crime prevention measures from Resolution 13-33 have been incorporated into the Conditional Development Permit No. 744 Conditions of Approval for the restaurant expansion. To date, the applicant has adhered to all related operational Conditions of Approval. Additional security cameras will be required to be installed within Suite B prior to issuance of a Certificate of Occupancy.

Land Use Compatibility

The project is consistent with the Commercial Pedestrian (C-P) zone of the Foothill Boulevard Specific Plan. The Renaissance Center shopping center contains a mix of retail and restaurant uses. Las Nuevas Islas has had live music at its existing location for nearly one (1) year without any known incidents. The neighboring land uses and other tenants within the shopping center are not expected to be negatively impacted by the expansion of the restaurant, if all Conditions of Approval are strictly adhered to. With the approval of the Conditional Development Permit, Las Nuevas Islas will be subject to a Planning Commission review within six (6) months from the date of approval to ensure continued compliance of all Conditions of Approval, and to ensure that the establishment has not become a nuisance. Thereafter, the establishment will be subject to annual review.

ENVIRONMENTAL IMPACT:

The project is exempt under CEQA Section 15301, Existing Facilities. The section allows for exemption of a project consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures involving negligible or no expansion of use beyond the existing at the time of the lead agency's determination (E.A.R. 14-13).

STAFF RECOMMENDATION:

It is recommended that the Planning Commission:

- Adopt a resolution to approve Conditional Development Permit No. 744 to allow the expansion of a restaurant with live music, subject to the findings and conditions therein.

Attachments:

1. Resolution with findings and Conditions of Approval
2. Location Map
3. Notice of Exemption
4. Calls for Service Report
5. Project Plans

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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, GRANTING A CONDITIONAL DEVELOPMENT PERMIT ALLOWING THE EXPANSION OF AN EXISTING RESTAURANT WITH LIVE MUSIC INTO AN ADJACENT COMMERCIAL UNIT LOCATED AT 1438 WEST FOOTHILL BOULEVARD, SUITE B, WITHIN THE C-P (COMMERCIAL PEDESTRIAN) ZONE OF THE FOOTHILL BOULEVARD SPECIFIC PLAN.

WHEREAS, on June 12, 2013, the Planning Commission approved Resolution No. 13-12 for Conditional Development Permit No. 726, allowing live music within a restaurant located at 1438 W. Foothill Boulevard, Suite A (“Restaurant”) within the Commercial Pedestrian (C-P) zone of the Foothill Boulevard Specific Plan; and

WHEREAS, on December 11, 2013, the Planning Commission approved Resolution No. 13-33 allowing live music to be played at the Restaurant; and

WHEREAS, the applicant, Rafael Ortiz, proposes to expand the Restaurant and live music (“Project”) into an adjacent 2,249 square foot commercial unit located at 1438 W. Foothill Boulevard, Suite B, (Restaurant and Suite B together, “Site”); and

WHEREAS, the expansion of entertainment uses, such as the Project, within the C-P zone requires a conditional development permit, and the applicant has agreed to apply for a conditional development permit (“CDP No. 744”); and

WHEREAS, on April 30, 2014, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 744, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 744; and closed the public hearing; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

SECTION 1. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CDP No. 744, including written staff reports, verbal

1 testimony, site plans, other documents, and the conditions of approval stated herein, the Planning
2 Commission hereby determines that CDP No. 744 satisfies the requirements of Section 18.66.020 of
3 the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a
4 conditional development permit. The findings are as follows:

- 5 1. The proposed use is deemed essential or desirable to provide a service or facility
6 which will contribute to the convenience or general well-being of the neighborhood
7 or community; and

8 *This finding is supported by the following facts:*

9 Staff has received no written or verbal comments in opposition to the proposed use. The
10 Restaurant has seen an increase in patronage since implementing live music without any
11 known incidents. The expansion of the Restaurant within live music will serve to attract
12 additional customers and create an economically stable restaurant in an area that is
13 currently underserved by family oriented sit-down restaurants. Given that live music has
14 served to increase patronage to the Restaurant, a determination can be made that the
15 proposed expansion of use is desirable and provides a service, which will contribute to
16 the convenience and general well-being of the neighborhood and community.

- 17 2. The proposed use will not be detrimental or injurious to health, safety, or general
18 welfare of persons residing or working in the vicinity; and

19 *This finding is supported by the following facts:*

20 The Site is located within an existing shopping center. To the north of the Site are single-
21 family residences; to the east, across Cedar Avenue is a retail shopping center; to the
22 south, across Foothill Boulevard is a retail shopping center; and to the west, is
23 approximately 2.15 acres of vacant land and one (1) single-family residence. The zoning
24 of the Site and the properties to the east and south is Commercial Pedestrian (C-P). The
25 zoning of the properties to the west is Residential Mixed-Use (R-MU), and the zoning of
26 the properties to the north is Single Family Residential (R-1C). The Project is consistent
27 with the Commercial Pedestrian (C-P) zone and the existing uses within the shopping
28 center. The Rialto Police Department has reviewed and approved crime prevention
measures contained within the CDP No. 744 Conditions of Approval, which are intended
to deter crime and prevent the establishment from becoming nuisance. Compliant
operation of the establishment is not expected to disrupt the peace and quiet of the
surrounding residences.

3. The site for the proposed use is adequate in size, shape, topography, accessibility
and other physical characteristics to accommodate the proposed use in a manner
compatible with existing land uses; and

This finding is supported by the following facts:

1 The Site is located within an existing shopping center. No development will take place as a
2 part of the Project. The Site currently has 619 parking stalls, and with the project the Site is
3 required to provide 504 parking stalls. Adequate provisions for parking will continue to be
4 available to serve all uses within the shopping center.

- 5 4. The site has adequate access to those utilities and other services required for the
6 proposed use; and

7 *This finding is supported by the following facts:*

8 The Project will have adequate access to all utilities and services required through main
9 water, electric, sewer, and other utility lines that are already hooked up to the Site.

- 10 5. The proposed use will be arranged, designed, constructed, and maintained so as it
11 will not be injurious to property or improvements in the vicinity or otherwise be
12 inharmonious with the General Plan and its objectives, the Foothill Boulevard
13 Specific Plan, or any zoning ordinances, and

14 *This finding is supported by the following facts:*

15 The Site is located within an existing building that has been developed and maintained in
16 a manner which is consistent with the Commercial Pedestrian (C-P) zone of the Foothill
17 Boulevard Specific Plan. The expansion of the restaurant with live music is consistent
18 with the Commercial Pedestrian (C-P) zone of the Foothill Boulevard Specific Plan. The
19 neighboring land uses and other tenants within the shopping center are not expected to be
20 negatively impacted by the Project if all crime prevention measures contained within the
21 CDP No. 744 Conditions of Approval are adhered to.

- 22 6. Any potential adverse effects upon the surrounding properties will be minimized to
23 every extent practical and any remaining adverse effects shall be outweighed by the
24 benefits conferred upon the community or neighborhood as a whole.

25 *This finding is supported by the following facts:*

26 The Project's effects will be minimized through the implementation of the crime
27 prevention measures endorsed by the Rialto Police Department, and all other conditions
28 contained herein. The expansion of the restaurant with live music is anticipated to bring
economic stimulus to the area in the form of patrons that might not otherwise dine in the
area. Therefore, any potential adverse effects are outweighed by the benefits conferred
upon the community and neighborhood as a whole.

SECTION 2. The applicant is hereby granted CDP No. 744 to allow the expansion of an
existing restaurant with live music into an adjacent commercial unit located at 1438 W. Foothill

1 Boulevard, Suite B, within the C-P (Commercial Pedestrian) zone of the Foothill Boulevard
2 Specific Plan.

3 SECTION 3. The project is categorically exempt from the requirements of the California
4 Environmental Quality Act (CEQA), pursuant to Section 15301, Existing Facilities. The Planning
5 Commission directs the Planning Division to file the necessary documentation with the Clerk of the
6 Board of Supervisors for San Bernardino County.

7
8 SECTION 4. That CDP No. 744 is granted to Rafael Ortiz, in accordance with the plans
9 and application on file with the Planning Division, subject to the following conditions:

- 10 1. The approval is granted allowing the expansion of an existing 2,975 square foot
11 restaurant with live music located at 1438 W. Foothill Boulevard, Suite A, into an
12 adjacent 2,249 square foot commercial unit located at 1438 W. Foothill Boulevard, Suite
13 B, as shown on the plans submitted to the Planning Division on March 20, 2014, and as
14 approved by the Planning Commission. If the Conditions of Approval specified herein
15 are not satisfied or otherwise completed, the project shall be subject to revocation.
- 16 2. City inspectors shall have access to the site to reasonably inspect the site during
17 normal working hours to assure compliance with these conditions and other codes.
- 18 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
19 officers, or employees from any claims, damages, action, or proceeding against the
20 City or its agents, officers, or employees to attack, set aside, void or annul, and
21 approval of the City, its advisory agencies, appeal boards, or legislative body
22 concerning CDP No. 744. The City will promptly notify the applicant of any such
23 claim, action, or proceeding against the City and will cooperate fully in the defense.
- 24 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
25 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
26 subject to protest by the applicant at the time of approval or conditional approval of
27 the Project or within 90 days after the date of the imposition of the fees, dedications,
28 reservations, or exactions imposed on the Project.
5. The proposed use shall be restricted to live musical entertainment performed in
 conjunction with the restaurant use. A dance floor and disc jockey (DJ) shall be
 prohibited.
6. The proposed use shall adhere to the requirements, goals and objectives of the C-P
 (Commercial Pedestrian) zone of the Foothill Boulevard Specific Plan.

1 approval of the Conditional Development Permit. Thereafter, the Planning
2 Commission will review the approved facility on an annual basis.

3 21. If the applicant fails to comply with any of the Conditions of Approval placed upon
4 Conditional Development Permit No. 744, the Planning Commission may initiate
5 proceedings to revoke the Conditional Development Permit in accordance with the
6 provisions of sections 18.66.070 through 18.66.090, inclusive, of the Rialto
7 Municipal Code. Conditional Development Permit No. 744 shall be revoked,
8 suspended or modified in accordance with Section 18.66.070 of the Zoning
9 Ordinance at the discretion of the Planning Commission if:

- 10 a) The use for which such approval was granted has ceased to exist, been
11 subsequently modified or have been suspended for six (6) months or more;
12 b) Any of the express conditions or terms of such permit are violated;
13 c) The use for which such approval was granted becomes or is found to be
14 objectionable or incompatible with the character of the City and its
15 environs due to noise, loitering, criminal activity or other undesirable
16 characteristics including, but not strictly limited to uses which are or have
17 become offensive to neighboring property or the goals and objectives of
18 the City's General Plan or the Foothill Boulevard Specific Plan.

19 22. The privileges granted by the Planning Commission pursuant to approval of this
20 conditional development permit are valid for one (1) year from the effective date of
21 approval. If the applicant fails to commence the project within one year of said
22 effective date, this conditional development permit shall be null and void and any
23 privileges granted hereunder shall terminate automatically. If the applicant, or his or
24 her successor in interest, commence the project within one year of the effective date
25 of approval, the privileges granted hereunder will continue to inure to the property as
26 long as the property is used for the purpose for which the conditional development
27 permit was granted, and such uses remain compatible with adjacent property uses.

28 SECTION 5. The Chairman of the Planning Commission shall sign the passage and
adoption of this resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 30th day of April, 2014.

JERRY GUTIERREZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

Location Map



CITY OF RIALTO PLANNING DIVISION

Conditional Development Permit No. 744: A request to allow an expansion of an existing restaurant with live music into an adjacent commercial unit located at 1438 W. Foothill Boulevard, Suite B within the C-P (Commercial Pedestrian) zone of the Foothill Boulevard Specific Plan. (Applicant: Las Nuevas Islas/Raphael Ortiz)

North
April 30, 2014

NOTICE OF EXEMPTION

To: ☐ Office of Planning and Research
1400 Tenth Street , Room 121
Sacramento, CA 95814

From: City of Rialto
Development Services Department
150 South Palm Avenue
Rialto, CA 92376

☒ Clerk of the Board
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

Project Title: Conditional Development Permit No. 744 (E.A.R 14-13)

Project Location (Specific): 1438 W. Foothill Boulevard, Suite B (APN 0128-011-42)

Project Location (City): City of Rialto

Project Location (County): San Bernardino

Project Description: To allow the expansion of an existing restaurant and live music into an adjacent commercial unit..

Name of Public Agency Approving Project: City of Rialto

Name of Person or Agency Carrying Our Project: Rafael Ortiz
1438 W. Foothill Blvd., Suite A
Rialto, CA 92376

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b) (1); 15268);
- ☐ Declared Emergency (Sec. 21080(b) (3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b) (4); 15269 (b)(c));
- ☒ Categorical Exemption. State type and section number: 15301 Existing Facilities
- ☐ Statutory Exemptions. State code number:

Reasons why project is exempt: This project is exempt under CEQA Section 15301 Existing Facilities. CEQA Section 15301 allows for the operation or leasing of existing structures involving negligible or no expansion of the use. Subsection (a) allows for interior or exterior modifications including partitions, plumbing and electrical. This project will result in no expansion of the structure and minor interior modifications, if any. This project meets the guidelines established by CEQA and is in compliance with the General Plan and Zoning designations for the site.

Lead Agency Contact Person: Daniel Casey

Area Code/Telephone/Extension: (909) 820-2535

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature:  Title: Assistant Planner

Date: 4/24/2014

- ☐ Signed by Lead Agency
- ☐ Signed by Applicant

Date received for filing at OPR:



Computer Aided Dispatch Summary of Logged Events
for the Period 11/01/13 - 04/15/14
1438 W Foothill Blvd, Rialto, CA



<u>CAD Call No.</u>	<u>Date/Time Received</u>	<u>Incident Location</u>	<u>Unit No.</u>	<u>Call Disposition</u>
20002R: Hit and Run without Injuries Report=1 (Reactive)				
131127-0003	11/27/2013 00:34:53	1438 W FOOTHILL BLVD		CAD Traffic Report
KTP: Keep the Peace=1 (Reactive)				
140212-0158	02/12/2014 13:02:30	1438 W FOOTHILL BLVD	B	Necessary Action Taken

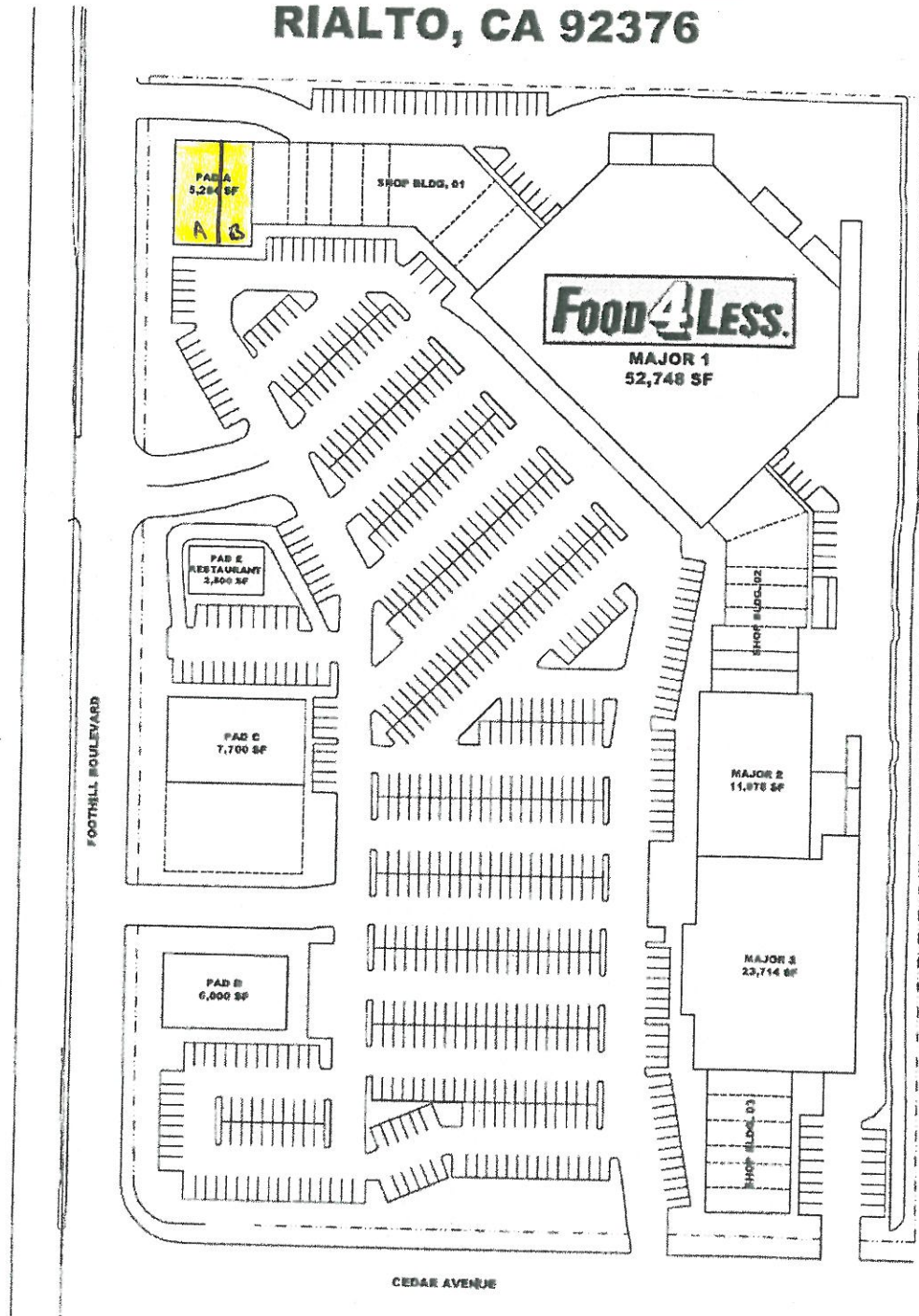
TOTAL ACTIVITY=2

Note: For the purposes of this summary report, duplicate records have been removed; call dispositions have not been filtered.

Legend: Reactive=Calls Initiated by Citizen Caller; Proactive=Activity Initiated by Officer; Info Only=For Logging/Documentation Only

Pursuant to CA Government Code 6254, some records may be omitted in order to maintain confidentiality of involved person (s)

SITE PLAN RENAISSANCE CENTER 1304 FOOTHILL BLVD. RIALTO, CA 92376



CDP 744



Landlord's Initials: LR
1MSTR.LS1 2/3/14

Tenant's Initials: RDR

LICENSED PREMISES DIAGRAM (RETAIL)

1. APPLICANT NAME (If individual: Last, first, middle)

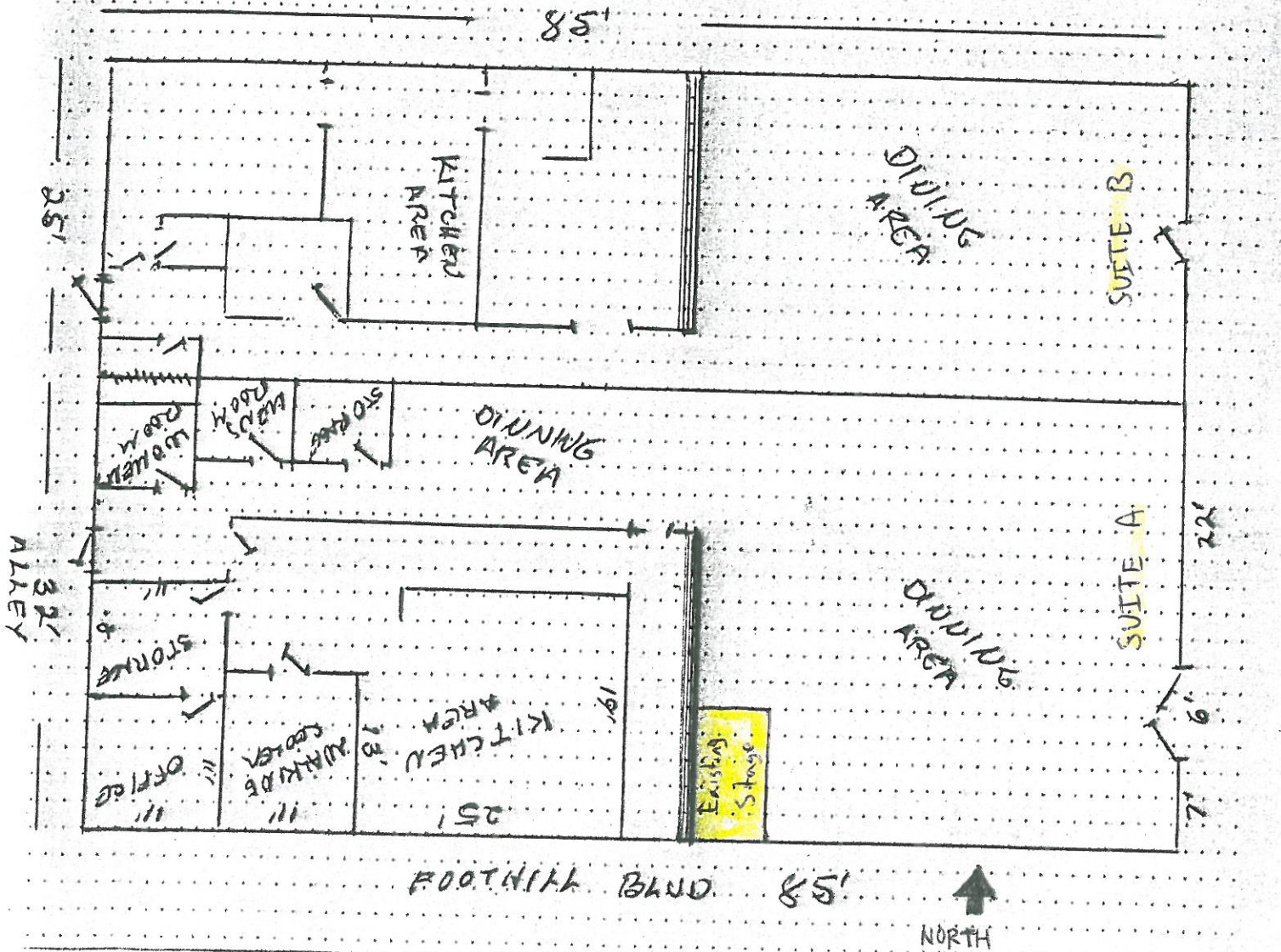
2. LICENSE TYPE

3. PREMISES ADDRESS (Street number and name, city, zip code)

4. NEAREST CROSS STREET

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

DIAGRAM



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior-written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

DATE SIGNED

CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE

LICENSED PREMISES DIAGRAM (RETAIL)

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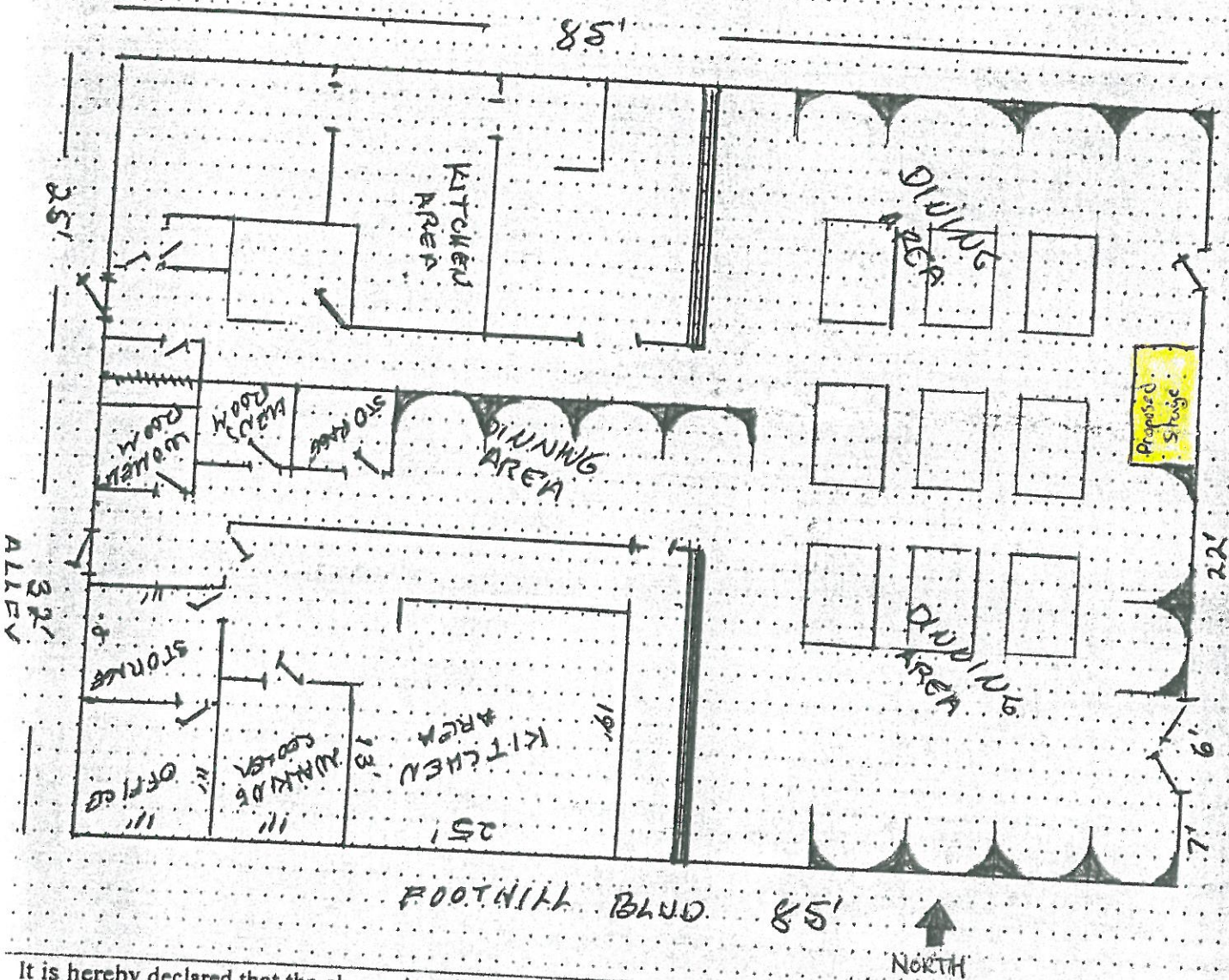
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